

BILL # HB 2242

TITLE: mental health services; legal representatives

SPONSOR: Hershberger

STATUS: As Amended by Senate Health

REQUESTED BY: Senate

PREPARED BY: John Malloy

FISCAL ANALYSIS

Description

HB 2242 would require persistently and acutely disabled (PAD) individuals that are placed on court ordered treatment to receive an annual evaluation of their severe mental illness. Currently, statute requires PAD individuals that have completed treatment (generally lasting 1 year) be discharged at the end of a court order unless the individual accepts voluntary treatment or a new petition is filed with the court.

Estimated Impact

The bill is not expected to have a fiscal impact as the Department of Health Services (DHS) already require examinations for PAD individuals at the end of the court-ordered treatment.

The Administrative Office of the Courts (AOC) believes that HB 2242 would result in more treatment as they do not believe that DHS is completely enforcing its rule that PADs receive an evaluation prior to their release from court-ordered care.

Analysis

Statute defines persistently and acutely disabled as individuals having a severe mental disorder that, if not treated, would have the substantial probability of causing the individual to suffer mental harm that significantly impairs behavior as well as the capacity to make informed decisions regarding treatment for their impairment. An individual diagnosed as PAD that is unwilling to undergo voluntary treatment can be ordered into court-ordered treatment after a hearing. Court-ordered treatment is limited by statute to one year, with inpatient treatment limited to 180 days.

Individuals diagnosed as PAD are discharged from treatment once their treatment ends, unless a new petition is filed with the court or the individual voluntarily accepts further treatment. HB 2242 would require PADs determined to be substantially noncompliant with their care to undergo an annual examination and review to determine whether or not the continuation of treatment is necessary. DHS regulations already require this examination.

DHS estimates that approximately 1,700 individuals are assigned to court ordered treatment annually. Of that total, about half are designated as PAD. DHS further estimates that half of this total, or approximately 425 individuals, end up cycling back through the system after their initial treatment has ended.

If AOC is correct and DHS is not enforcing the requirement that PADs undergo an annual assessment, then HB 2242 could have a fiscal impact. Based on the AOC's assumption, HB 2242 could result in annual assessments that identify individuals in need of additional treatment. If this occurs, the bill would have a state cost from more individuals receiving treatment. This cost could potentially be offset, however, if the assessments identify those individuals that would otherwise cycle back through the system in crisis. The continuation of care typically involves monitoring a patient to ensure that the individual keeps taking their medication while the cost to stabilize a patient in crisis can cost between \$600 to \$800 a day.

Local Government Impact

None.